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ACTION DHA-02

INFO OCT-01 EUR-12 IO-11 ISO-00 ORM-02 AID-05 EB-07 AGR-05

TRSE-00 OMB-01 DPW-01 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 /093 W

----- 121295

R 121612Z MAR 76

FM AMEMBASSY ATHENS

TO SECSTATE WASHDC 3133

INFO USMISSION GENEVA

USMISSION UN

LIMITED OFFICIAL USE ATHENS 2383

EO 11652: NA

TAGS: SHUM PFOR PINS PINT PORG EAID EFIN GR

SUBJECT: HUMAN RIGHTS- GREECE 1975

REF: A. STATE 45319; B. 75 ATHENS A-29

1. INTRODUCTION: SINCE THE EMBASSY'S LAST REPORT A YEAR AGO ON THE HUMAN RIGHTS SITUATION IN GREECE (ATHENS A-29, FEB 12, 1975), THERE HAS BEEN CONTINUED PROGRESS TOWARDS STRENGTHENING THE OBSERVANCE OF HUMAN RIGHTS AND INSTITUTIONAL SAFEGUARDS. WITH THE PATTERN OF HUMAN RIGHTS VIOLATIONS DURING THE JUNTA YEARS AS SUCH RECENT HISTORY, THE SENSITIVITY OF THIS ISSUE HERE IS STILL PARTICULARLY ACUTE. THE RETURN OF A DEMOCRATIC FORM OF GOVERNMENT UNDER PRIME MIN CARAMANLIS, TOGETHER WITH A FREE PRESS, AN INDEPENDENT JUDICIAL SYSTEM AND FUNCTIONING OPPOSITION POLITICAL PARTIES ENCOURAGE THE BELIEF THAT THE HUMAN RIGHTS OF THE GREEK POPULACE WILL CONTINUE TO BE RESPECTED BOTH IN PRACTICE AND IN SPIRIT. THE SINGLE MOST IMPORTANT DEVELOPMENT DURING THIS PERIOD HAS BEEN THE PROMULGATION OF A NEW CONSTITUTION OFFERING BROAD PROTECTION FOR HUMAN RIGHTS WITH SPECIFIC GUARANTEES.

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IN SUM, GREECE TODAY IS A COUNTRY WITHOUT SERIOUS HUMAN

RIGHTS PROBLEMS, AND THERE IS NO REASON TO EXPECT THAT US ASSISTANCE PROGRAMS MIGHT BE AFFECTED NEGATIVELY BY HUMAN RIGHTS CONSIDERATIONS.

2. THE FOLLOWING REPORT, WHICH FOLLOWS THE OUTLINE SUGGESTED IN PARA 12 OF REF A, UPDATES THE BASIC HUMAN RIGHTS SITUATION DESCRIBED IN REF B, WHICH STILL PERTAINS. IT MAY BE OF USE TO THE DEPARTMENT SINCE GREECE IS A RECIPIENT OF SECURITY ASSISTANCE.

3. (A) THE CONSTITUTION OF THE REPUBLIC OF GREECE, WHICH CAME INTO EFFECT JUNE 11, 1975, IS THE FUNDAMENTAL LEGAL AUTHORITY GUARANTEEING HUMAN RIGHTS. PART TWO OF THE CONSTITUTION, ENTITLED "INDIVIDUAL AND SOCIAL RIGHTS", IS THE PERTINENT SECTION WITH REGARD TO HUMAN RIGHTS. ARTICLE 5 STATES: "ALL PERSONS LIVING WITHIN THE GREEK TERRITORY SHALL ENJOY FULL PROTECTION OF THEIR LIFE, HONOR AND FREEDOM, IRRESPECTIVE OF NATIONALITY, RACE OR LANGUAGE, AND OF RELIGION OR POLITICAL BELIEFS. EXCEPTIONS SHALL BE PERMITTED ONLY IN SUCH CASES AS ARE PROVIDED FOR BY INTERNATIONAL LAW... PERSONAL LIBERTY IS INVOLABLE. NO PERSON SHALL BE PROSECUTED, ARRESTED, IMPRISONED OR OTHERWISE CONFINED EXCEPT WHEN AND AS THE LAW PROVIDES."

4. ARTICLE 6 PROVIDES NO PERSON SHALL BE DETAINED WITHOUT A JUDICIAL WARRANT, AND MUST BE BROUGHT BEFORE A COMPETENT MAGISTRATE WITHIN 24 HOURS OF THE TIME OF ARREST. IMPRISONMENT PENDING TRIAL CANNOT EXCEED ONE YEAR FOR FELONIES AND SIX MONTHS FOR MISDEMEANORS. ARTICLE 7 STATES THAT PUNISHMENT CANNOT BE IMPOSED RETROACTIVELY AND, FURTHERMORE, "TORTURE, ANY BODILY MALTREATMENT, IMPAIRMENT OF HEALTH OR THE USE OF PSYCHOLOGICAL VIOLENCE, AS WELL AS ANY OTHER OFFENCE AGAINST HUMAN DIGNITY ARE PROHIBITED AND SHALL BE PUNISHED AS PROVIDED BY LAW."

5. PART TWO OF THE CONSTITUTION CONCLUDES WITH ARTICLE 25 WHICH GUARANTEES "THE RIGHTS OF MAN AS AN INDIVIDUAL AND AS A MEMBER OF THE SOCIAL ENTITY ARE GUARANTEED BY THE STATE..."

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6. MARTIAL LAW IMPOSED BY THE JUNTA AND LIFTED IN OCTOBER 1975 (REF B), HAS NOT BEEN REIMPOSED. ARTICLE 48 OF THE NEW CONSTITUTION DEFINES THE SPECIFIC CIRCUMSTANCES UNDER WHICH THE PRESIDENT MAY PUT INTO EFFECT A "STATE OF SIEGE," THUS SUSPENDING CERTAIN CONSTITUTIONAL GUARANTEES.

7. (B) SINCE THE RETURN OF DEMOCRACY TO GREECE IN JULY 1974 WITH THE FALL OF THE MILITARY REGIME, THE GOG HAS SOUGHT TO OBSERVE STRICTLY INTERNATIONALLY RECOGNIZED HUMAN RIGHTS AND, SINCE ITS ENTRY INTO FORCE, OF THE PROVISIONS OF THE GREEK CONSTITUTION CONCERNING HUMAN RIGHTS. CERTAINLY DURING THE PAST YEAR THERE HAS BEEN NO GENERAL ABUSE, NO NOTABLE INDIVIDUAL CASE WHICH IN THIS OPEN SOCIETY, HAD IT OCCURRED, WOULD HAVE RAISED A PUBLIC CLAMOR.

8. AS NOTED ABOVE, MANY OF THE ELEMENTS CONTAINED IN THE DECLARATION OF HUMAN RIGHTS HAVE BEEN INCORPORATED INTO THE NEW GREEK CONSTITUTION. THESE BASIC GUARANTEES HAVE BEEN OBSERVED UNDER THE CARAMANLIS GOVERNMENT. ONE EXAMPLE IS THE METHOD BY WHICH THE TRIALS OF THOSE ACCUSED OF PERPETRATING HUMAN RIGHTS ABUSES (PRINCIPALLY TORTURE) DURING THE JUNTA ERA WERE CONDUCTED. THE TRIALS, IN SPITE OF THEIR EMOTIONAL NATURE, WERE FAIR AND OPEN, AND RECEIVED HEAVY COVERAGE IN THE MEDIA. (REPORTS ON THE PROCEEDINGS OF THESE TRIALS ARE CONTAINED IN THE GREEK-LANGUAGE NEWSPAPERS AVAILABLE IN THE DEPARTMENT.)

9. (C) THE GREEK STATE HAS ACTED WITH DISPATCH IN BRINGING ABOUT SIGNIFICANT CHANGES IN THE CONDUCT OF ITS SECURITY OFFICIALS SINCE THE FALL OF THE JUNTA. WHILE THERE HAVE BEEN OCCASIONAL ALLEGATIONS OF ILL-TREATMENT BY INDIVIDUAL OFFICIALS (PRIMARILY IN CRIMINAL MATTERS), GOVERNMENT POLICY IS TO ENSURE THE DEFINITE PROTECTION OF HUMAN RIGHTS THROUGH DUE PROCESS, AND SUCH A POLICY HAS BEEN IMPLEMENTED THROUGHOUT GREECE. MOREOVER, THE SERIES OF TRIALS AGAINST PERPETRATORS OF HUMAN RIGHTS ABUSES DURING THE JUNTA ERA CONTINUE TO BE AN EFFECTIVE DETERRENT TO THOSE WHO MIGHT BE INCLINED LIMITED OFFICIAL USE

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OTHERWISE. THE FUNCTIONING OF A DEMOCRATIC SOCIETY WITH ITS INSTITUTIONS OF A FREE PRESS, POLITICAL OPPOSITION PARTIES, INDEPENDENT JUDICIARY, ETC., IS ALSO AN EFFECTIVE CHECK. ARTICLE 7 OF THE CONSTITUTION, FOR EXAMPLE, PROVIDES FOR PUNISHMENT OF PERSONS COMMITTING CRIMES AGAINST HUMAN DIGNITY.

10. (D) NO RECENT REPORTS ON GREECE OF INTERNATIONAL ORGANIZATIONS HAVE COME TO THE EMBASSY'S ATTENTION. HOWEVER, OF INTEREST IN THIS REGARD IS THAT A GREEK BRANCH OF THE AMNESTY INTERNATIONAL WAS ESTABLISHED IN ATHENS ON MARCH 2, 1976. TWO OF ITS LEADING MEMBERS ARE WELL KNOWN ANTI-JUNTA RESISTANCE FIGURES--LADY AMALIA FLEMING (PRESIDENT) AND DEPUTY VIRGINIA TSOUDEROU (VP).

11. (E) THE HIGH PRIORITY WHICH THE GOG, ON ITS OWN, HAS ACCORDED THE OBSERVATION OF HUMAN RIGHTS HAS OBIATED THE NEED FOR THE EMBASSY TO APPROACH THE GOG ON SPECIFIC DOMESTIC HUMAN PROBLEMS. SINCE THE GOG IS NOT ONLY COMMITTED TO RESPECT OF HUMAN RIGHTS, BUT IN FACT IS FOLLOWING SUCH A POLICY, THE QUESTION OF DISSOCIATION OF US SECURITY ASSISTANCE FROM ANY VIOLATION HAS NOT ARISEN.

12. THIS TELEGRAM REPRESENTS A GENERAL UPDATING OF ATHENS A-29 (REF B) WHICH IS STILL A VALID DESCRIPTION OF THE HUMAN RIGHTS SITUATION IN GREECE. THEREFORE AN ADDITIONAL REPORT IN AIRGRAM FORM WILL NOT BE SUBMITTED. KUBISCH

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, ANNUAL REPORTS
Control Number: n/a
Copy: SINGLE
Draft Date: 12 MAR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: coburnhl
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976ATHENS02383
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760095-0902
From: ATHENS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760369/aaaacicf.tel
Line Count: 183
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION DHA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 STATE 45319, 76 ATHENS A-29
Review Action: RELEASED, APPROVED
Review Authority: coburnhl
Review Comment: n/a
Review Content Flags:
Review Date: 03 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <03 MAY 2004 by woolflhd>; APPROVED <17 AUG 2004 by coburnhl>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: HUMAN RIGHTS- GREECE 1975
TAGS: SHUM, PFOR, PINS, PINT, PORC, EAID, EFIN, GR
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006